



UNCERTAINTY IN CATERING WORKERS' WAGE PAYMENT PRACTICES IN MEDAN JOHOR FROM THE PERSPECTIVE OF DSN-MUI FATWA NO. 112/DSN-MUI/IX/2017 ON THE IJARAH CONTRACT

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ABSTRACT

Wage payment practices are a crucial element in employment relationships because they relate to legal certainty and the protection of workers' economic rights. However, in the informal sector—particularly home-based catering businesses—wage mechanisms are often implemented without a clear agreement regarding the amount and timing of payments. This study aims to analyze wage payment practices in catering businesses in Medan Johor District from the perspective of Government Regulation Number 36 of 2021 concerning Wages and DSN-MUI Fatwa Number 112/DSN-MUI/IX/2017 concerning Ijarah Contracts. This study uses a qualitative approach with juridical-empirical methods through in-depth interviews with workers and catering business owners and an analysis of relevant regulations and fatwas. The results show that wage payments are fluctuating and uncertain, depending on the number of orders, without a clear agreement from the start of the employment relationship. This practice does not comply with the principle of wage certainty in labor law and contradicts the principle of clarity of ujarah in ijarah contracts. This research contributes to strengthening the study of labor law and Islamic law by emphasizing the urgency of wage clarity as an instrument of justice and protection for workers in the informal business sector.

Keywords: wage payments, ijarah contracts, DSN-MUI, wages, catering business

1. INTRODUCTION

The practice of wage payment is a fundamental element in employment relations because it is directly related to legal certainty, the protection of workers' economic rights, and social stability within the employment relationship. Wages are not only understood as compensation for labor and services provided by workers, but also as an instrument of justice that determines the survival and well-being of workers (Asyhadie, 2020). In the context of the informal sector, particularly home-based catering businesses, wage

mechanisms are often carried out simply and based on custom, potentially ignoring the principles of legal clarity and certainty.

Normatively, the principle of justice and the prohibition of harming other parties in muamalah transactions are emphasized in the Qur'an. Allah SWT prohibits all forms of reduction of rights and injustice in social and economic relations, as He says:

وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْثَوْا فِي الْأَرْضِ مُفْسِدِينَ ﴿١٨٣﴾

"And do not deprive people of their rights, and do not spread corruption on the earth." (Surah Asy-Syu'ara': 183)

In Medan Johor District, initial observations indicate that catering workers receive wages without a clear agreement regarding the amount and timing of payment. Wages are paid fluctuatingly, depending on the number of orders, and often without a written or explicit verbal agreement. This situation places workers in a weak bargaining position and creates income uncertainty, which directly impacts their ability to meet daily needs. This phenomenon reflects the structural vulnerability of informal sector workers, who still lack normative protection (Susanto, 2021).

From a positive legal perspective, the state has affirmed the obligation to pay wages clearly and on time through Government Regulation Number 36 of 2021 concerning Wages. This regulation positions wages as a normative right of workers that must be determined based on agreement and paid according to the agreed timeframe to ensure a decent living (Government of the Republic of Indonesia, 2021). Thus, the ambiguity regarding the amount and timing of wage payments in employment relationships, even in the informal sector, remains contrary to the basic principles of wages stipulated in national labor law (Hartono, 2021).

In addition to positive law, the principle of fairness in wage payments also has a strong foundation in Islamic law. From a sharia perspective, employment relationships are classified as ijarah contracts, namely, contracts for the use of services in exchange for a fee (Ujrah), which must be clearly determined from the outset (Al-Zuhaili, 2010). DSN-MUI Fatwa Number 112/DSN-MUI/IX/2017 explicitly requires clarity regarding the amount, mechanism, and timing of payment, to prevent gharar and injustice in employment relationships (DSN-MUI, 2017). Uncertainty in wages has the potential to give rise to jahālah, which can legally undermine the validity of the ijarah contract (Hasanah et al., 2023).

Several previous studies have highlighted wage issues in the informal sector. Rahmawati (2019) found that non-transparent wage payment practices tend to disadvantage workers because they lack legal certainty. Another study by Siregar (2023) emphasized that weak work agreements in small businesses often serve as a gateway to unequal relations between workers and employers. However, these studies generally focused on aspects of labor law or worker welfare, without integrating contemporary sharia fatwas as a normative instrument in assessing the validity of wage practices.

Based on this gap, this study presents a novelty by examining wage payment practices for home-based catering businesses in Medan Johor District through a juridical-empirical approach that integrates national labor law and the DSN-MUI Fatwa Number 112/2017 concerning Ijarah Contracts. This research not only describes wage practices factually but

also assesses their compliance with the principles of wage certainty and clarity of *ujrah* as requirements for fairness in employment relationships.

Thus, this research aims to address two main areas of focus: first, how are wage payments practiced in catering businesses in Medan Johor District? And second, to what extent do these practices comply with Government Regulation Number 36 of 2021 concerning Wages and DSN-MUI Fatwa Number 112/DSN-MUI/IX/2017 concerning *Ijarah* Contracts. The results of this research are expected to provide theoretical contributions to the development of labor law and Islamic law studies, as well as practical contributions for small business owners in establishing a fair, transparent, and legally certain wage system.

2. RESEARCH METHOD

This study uses a qualitative approach with a juridical-empirical approach. This approach was chosen because the research not only examines textual legal norms but also examines the implementation of these norms in real social practices, particularly regarding the payment of wages to workers in home-based catering businesses in Medan Johor District. This juridical-empirical research allows researchers to identify gaps between positive and Islamic legal provisions and the reality of employment practices in the field (Soekanto, 2006).

The research subjects consisted of catering business owners and workers directly involved in the production and service processes. Informants were selected using a purposive sampling technique with the following criteria: (1) active workers in home-based catering businesses in Medan Johor District; (2) having at least six months of work experience; and (3) being willing to provide open information regarding the wage payment system. The number of informants was determined gradually until data saturation was reached, which is when the information obtained is repetitive and no longer yields new findings (Moleong, 2018).

Data collection techniques included in-depth interviews and documentation studies. In-depth interviews were used to gather information regarding wage payment mechanisms, clarity regarding the amount and timing of payments, and the form of employment agreements between workers and business owners. The documentation study was conducted by reviewing relevant laws and regulations, specifically Government Regulation Number 36 of 2021 concerning Wages and the DSN-MUI Fatwa Number 112/DSN-MUI/IX/2017 concerning *Ijarah* Contracts, to obtain a normative basis for analyzing the empirical findings (Government of the Republic of Indonesia, 2021; DSN-MUI, 2017).

To ensure data validity, this study employed source triangulation, comparing information obtained from workers and catering business owners. Furthermore, the researcher conducted member checking by reconfirming the interview results with informants to ensure the accuracy and consistency of the data with the informants' actual experiences (Creswell, 2014). This step was taken to increase the credibility of the research findings.

The collected data was analyzed using descriptive-qualitative analysis techniques through three main stages: data reduction, data presentation, and conclusion drawing. In

the data reduction stage, the researcher selected and focused on data relevant to the research objectives. Next, the data was presented in the form of a thematic narrative describing wage payment practices in the catering business. The final stage was drawing conclusions by linking the empirical findings to positive legal provisions and the principles of the *ijarah* contract in Islamic law (Miles & Huberman, 2014).

3. RESULT AND ANALYSIS

Wage Payment Practices in Medan Johor Catering Businesses

Research results indicate that wage payment practices in home-based catering businesses in Medan Johor District tend to be conducted without a clear agreement from the beginning of the employment relationship. Workers generally do not know the exact amount of wages or the timing of payment when they begin work. Wages are paid based on established business practices and are highly dependent on the number of catering orders received by the business owner. This situation suggests that employment relationships are built more on personal trust than on structured work agreements, creating uncertainty for workers (Susanto, 2021).

In terms of payment timing, the study found that wages are not paid regularly and consistently. Some workers receive wages every two weeks, while others have to wait up to three or four weeks, depending on the business's financial condition. The lack of a fixed payment schedule makes it difficult for workers to manage household expenses. This finding aligns with Hartono's (2021) view that unclear wage payment timing is an indicator of weak normative protection for workers, particularly in the informal sector.

In addition to payment timing, the amount of wages received by workers is also volatile. Wages are not determined based on work standards or specific working hours, but rather are adjusted based on the number of orders received. When a catering business receives a large number of orders, workers receive relatively higher wages, while when orders decrease, wages decrease. This pattern indicates that business risks are indirectly transferred to workers, even though normatively, these risks should be the responsibility of the business owner (Siregar, 2023).

This practice of uncertain wage payments reflects workers' weak bargaining power within the employment relationship. Workers tend to accept this situation due to limited job options and the informal nature of the employment relationship. This situation reinforces the findings of Rahmawati (2019), who stated that informal sector workers are often in a subordinate position, making it difficult to demand clarity about their rights. Economic dependence on employers makes workers accept wage uncertainty as normal.

When analyzed from an employment law perspective, wage payment practices in Medan Johor catering businesses do not fully align with the principle of wage certainty as stipulated in Government Regulation Number 36 of 2021 concerning Wages. The regulation emphasizes that wages must be determined by agreement and paid within the agreed timeframe to ensure a decent living for workers (Government of the Republic of Indonesia, 2021). The ambiguity regarding the amount and timing of wage payments indicates a gap between legal norms and empirical practice in the field.

From an Islamic legal perspective, this wage practice also potentially contradicts the principles of the *ijarah* contract. DSN-MUI Fatwa Number 112/DSN-MUI/IX/2017 emphasizes that the *ujrah* in an *ijarah* contract must be clearly understood by the parties,

both in terms of the amount and the timing of payment, to avoid elements of gharar and injustice (DSN-MUI, 2017). When workers are not provided with clarity regarding the *ujrah* from the outset, the *ijarah* contract loses one of its essential elements. Therefore, the practice of wage payments in the Medan Johor catering business demonstrates a normative issue that requires serious attention, both from a positive and Islamic legal perspective.

Analysis of Government Regulation Number 36 of 2021 on Uncertainty in Wage Payments

Government Regulation Number 36 of 2021 concerning Wages is a legal instrument designed to ensure certainty, fairness, and protection of workers' rights in employment relationships. This regulation affirms that wages are a normative right of workers that must be clearly determined and paid to avoid legal uncertainty. However, research findings indicate that wage payment practices in catering businesses in Medan Johor District do not reflect the basic principles of wages as stipulated in the regulation, particularly regarding the clarity of the amount and timing of wage payments (Government of the Republic of Indonesia, 2021).

Article 2 of Government Regulation Number 36 of 2021 states that wages are provided to ensure a decent living for workers and provide legal certainty in employment relationships. This legal certainty requires a clear agreement regarding wages from the beginning of the employment relationship. However, in the practice of catering businesses in Medan Johor, workers receive fluctuating wages without a clear initial agreement. This situation indicates that the normative objectives of wages as referred to in Article 2 have not been optimally implemented in the informal business sector (Hartono, 2021).

Furthermore, Article 17 of Government Regulation Number 36 of 2021 emphasizes that wage determination must be based on an agreement between workers and employers, taking into account the principles of fairness and appropriateness. Research shows that catering workers' wages are not determined through an agreement process, but rather are adjusted unilaterally based on the conditions of the business order. This pattern demonstrates the weak bargaining position of workers and the failure to fulfill the principle of agreement, which is the basis of fair employment relations (Siregar, 2023).

In terms of payment timing, Article 21 paragraph (1) of Government Regulation Number 36 of 2021 requires employers to pay wages according to the agreed-upon timeframe. However, field findings indicate that catering workers in Medan Johor lack certainty regarding the payment schedule and often experience delays. This uncertainty about payment timing impacts workers' economic instability and contradicts the principle of worker protection enshrined in wage regulations (Susanto, 2021).

Normatively, Government Regulation Number 36 of 2021 does not differentiate the obligation to apply wage principles based on business scale or formal or informal status. This means that small-scale catering businesses remain bound to apply the principles of certainty, fairness, and transparency in wage payments. Therefore, the excuse of the informal nature of businesses cannot be used as justification to ignore workers' normative rights to wage clarity (Asyhadie, 2020).

Thus, an analysis of Government Regulation Number 36 of 2021 reveals a gap between wage legal norms and wage payment practices in Medan Johor catering businesses. The

lack of clarity regarding the amount and timing of wage payments not only violates the principle of legal certainty but also has the potential to reinforce unequal employment relations between workers and employers. This finding underscores the importance of strengthening the implementation of wage regulations in the small and informal business sector to ensure the protection of workers' rights and prevent unfair wage practices (Government of the Republic of Indonesia, 2021; Hartono, 2021).

The Perspective of DSN-MUI Fatwa No. 112/2017 on the Ijarah Contract

The Fatwa of the National Sharia Council of the Indonesian Ulema Council (MUI) No. 112/DSN-MUI/IX/2017 on the Ijarah Contract is a normative guideline governing the exchange of services for compensation in the form of *ujrah* (payment of wages) in a fair and transparent manner. In the context of employment relationships, the *ijarah* contract places clarity on the *ujrah* as an essential element determining the validity of the contract. This fatwa emphasizes that the *ujrah* must be clearly understood by the parties from the outset of the contract, including the amount, payment method, and payment timing, to avoid uncertainty and potential disputes (DSN-MUI, 2017).

The results of the study indicate that wage payment practices in catering businesses in Medan Johor District do not fully comply with these requirements. Workers do not receive clarity regarding the amount and timing of wage payments when starting the employment relationship, so the *ujrah* is only known after the work is completed or when the business owner determines payment. This condition reflects an element of ignorance (*jahālah*), which can normatively undermine the *ijarah* contract because it contains uncertainty that could potentially harm one of the parties, particularly the worker, who is in a weaker bargaining position (Hasanah et al., 2023).

From an Islamic legal perspective, the ambiguity of *ujrah* can also be categorized as a form of *gharar*, namely uncertainty in a contract that is prohibited because it contradicts the principles of justice and protection of property (*ḥifẓ al-māl*). Al-Zuhaili (2010) emphasized that every *muamalah* contract must be drafted transparently so that the benefits and obligations of the parties are understood in a balanced manner. Therefore, the practice of unspecified wages has the potential to undermine the purpose of the *ijarah* contract as a means of fulfilling rights fairly.

Thus, from the perspective of DSN-MUI Fatwa No. Based on Regulation No. 112/2017, the practice of paying catering workers' wages in Medan Johor shows substantively flawed contracts because they do not meet the principles of clarity of *ujrah* and voluntary agreement (*tarāḍī*). This finding confirms that compliance with the fatwa is not only formal but also substantive in ensuring fair employment relationships. Consistent implementation of the *ijarah* contract principle is crucial to ensure that wage practices in the informal business sector are not only valid under positive law but also in accordance with the values of justice in Islamic law (DSN-MUI, 2017; Hasanah et al., 2023).

4. CONCLUSION

This research shows that wage payments to workers in catering businesses in Medan Johor District are still carried out without a clear agreement regarding the amount and timing of payment from the beginning of the employment relationship. Wages are paid fluctuatingly and depend on the number of orders, without a clear employment

agreement, either written or verbal. This situation places workers in a vulnerable position due to a lack of income security and difficulty in planning for sustainable economic needs.

From a positive legal perspective, these wage practices are inconsistent with the principles of certainty, fairness, and worker protection as stipulated in Government Regulation Number 36 of 2021 concerning Wages. The unclear amount and timing of wage payments demonstrate a gap between wage legal norms and the reality of employment practices in the informal business sector. Despite their small scale, catering businesses still have a normative obligation to guarantee workers' basic rights to clear and timely wage payments.

Meanwhile, from an Islamic legal perspective, these wage payment practices do not meet the principle of clarity regarding *ujrah* (the payment of wages) as required by the DSN-MUI Fatwa Number 112/2017 concerning *Ijarah* Contracts. The ambiguity of the wage payment from the outset of the employment relationship carries an element of uncertainty that has the potential to undermine the substantive validity of the *ijarah* contract and create room for injustice for workers, who are the weaker party in the employment relationship.

Therefore, this study emphasizes the importance of implementing a clear, transparent, and agreed-upon wage payment system from the outset of the employment relationship, both from the perspective of labor law and Islamic law. Establishing a clear wage agreement is a fundamental step towards achieving legal certainty, justice, and the protection of workers' rights, particularly in small and informal business sectors such as catering businesses. Therefore, the integration of wage regulations and the principles of the *ijarah* contract is a crucial foundation for building fair and sustainable employment practices.

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